REMARKS

In accordance with the foregoing, claims 11-23 and 25-32 are pending and under consideration.

EXAMINER INTERVIEW

Applicants acknowledge with appreciation the courtesy of an interview granted to Applicant's representative on September 12, 2008, at which time the outstanding issues in this case were discussed. Further, Applicants wish to thanks the Examiner for his willingness to enter a possible Supplemental Amendment in view of the interview.

CLAIM REJECTIONS UNDER 35 USC § 103:

Claims 11-19, and 25-30 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication No. 2004/0042547 A1 to Coleman (hereinafter "Coleman") and further in view of U.S. Patent No. 6,721,950 B1 to Lupu ("Lupu").

Independent claim 11 is directed to "[an] image transmission apparatus that transmits an image to an information processing apparatus connected to a predetermined network." The components of the claimed apparatus are an information acquiring unit, an image extracting unit, and a cursor image transmitting unit.

Applicants respectfully submit that the Examiner puts forth inconsistent positions in numbered paragraph 3 and numbered paragraph 4, thereby making it difficult to respond the Examiner's arguments.

Thus, in paragraph 3, it is asserted that "Colman clearly teaches [...] the image transmission apparatus comprising: an information acquiring unit that acquires cursor location information from the remote-control computer" (see page 2, paragraph [0017] and further described at page 13 paragraph [0163] ...". The indicated paragraphs discuss the use of image redundancies to minimize the video information volume by providing only information about changes between frames. Coleman mentions as an example a blinking cursor in successive images. Coleman does not disclose anything related to acquiring cursor location information.

Further, in paragraph 4, it is submitted that "Coleman does not explicitly teach **acquiring cursor location information from the remote-control computer**" (emphasis imported from in the Office Action). The assertion in paragraph 4 directly contradicts the position in paragraph 3. In paragraph 5, it is further asserted that Lupu "teaches **acquiring cursor location information from the remote-control computer**" in col. 3 lines 3-25 therein. Lupu discloses a computer

method for redirecting input messages to an application that has at least one window redirected (i.e. repositioned) (see Lupu's abstract).

The indicated portion of Lupu is reproduced below:

> Mouse messages, on the other hand, typically get posted to the queue of the window that is located under the position of the cursor. Therefore, if the redirection style bit is detected as being set, a window hit test hook is installed that intercepts input messages before they are sent to the underlying window. If the mouse pointer is located over a redirected window's texture map, the mouse coordinates are adjusted and the target window handle in the hit test structure is updated such that the pointer will appear to redirected window to be in the proper location. Once the input message has [been] examined, and possibly transformed, the operating system posts the message to correct application. If the message was a mouse click over a texture map representing a redirected window, the application will become a foreground application and update its visuals and behavior accordingly. Thus, a click on a window object causes a corresponding application to receive activation and focus; a click on the 3-D scene background causes the redirection host to receive focus. This occurs even though neither mouse nor keyboard messages actually reach the host window event queue. If the input event is determined to be outside of a redirected window then the input event message is left alone and no changes are made.

The above-reproduced paragraph of Lupu does not include any disclosure relevant to "an information acquiring unit that acquires cursor location information from the information processing apparatus" wherein the information acquiring unit is part of "[an] image transmission apparatus that transmits an image to an information processing apparatus connected to a predetermined network" as recited in claim 11. Lupu's method is performed inside a single computer (see e.g. 20 in FIGS. 1, 6A and 6B of Lupu) and it is related to relocating an input message related to an application window that has been moved as evidenced by a redirection hook (see FIG. 5 with the corresponding description and claim 1 in Lupu).

Additionally, it is not obvious that Lupu's method in a single computer is relevant and can be combined with Coleman's teachings. The bare assertions that Lupu is "[in] the same field of endeavor" (see paragraph 5 of the outstanding Office Action) or "it would have been obvious to one having ordinary skill in the art at the time the invention was made" to combine Lupu's and Coleman's teaching "because it would improve network efficiency" fail to substantiate feasibility, foreseeability and reasonableness of the combination (see paragraph 6 of the outstanding Office Action).

Relative to the image extracting unit of the image transmission apparatus of claim 11, the outstanding Office Action alleges first in paragraph 3 that "Coleman clearly teaches [...] the image transmission apparatus comprising: [...] an image extracting unit (see FIG. 4, element 401 and 221 further described at page 10 paragraph [0124]) that extracts a cursor peripheral image (see page 2, paragraph [0017] and further described at page 13 paragraphs [0162] and [0163] and FIG. 7B)...". Element 401 in FIG. 401 is a capture image block and element 221 is a "pixel pusher." Neither the capture image block 401 nor the "pixel pusher" 221 of FIG. 4 in Coleman "extracts a cursor peripheral image from an image storing unit that stores the image to be transmitted to the information processing apparatus, based on the cursor location information acquired by the information acquiring unit" but have specific functionality related to digitizing an input image.

In direct contradiction with the above-reproduced assertions in paragraph 4 of the Office Action, in paragraph 5, it is submitted that "Coleman does not explicitly teach [...] **extracting a cursor peripheral image from an image storing unit**" (emphasis as in the outstanding Office Action). Further, it is alleged that Lupu in col. 3 lines 26-34 provides the missing teachings. While referring to a method for redirecting input messages to an application in a multi window display of a single computer, Lupu states:

> Input messages relating to mouse position are also adjusted when a redirected window inspects the mouse position directly. Therefore, an additional hook is provided that intercepts direct inquiries to obtain the cursor position made by an application that has had a window redirected. This hook updates the mouse coordinates so as to correspond to the actual location of the redirected window if the cursor is over a position of the redirected window's texture map.

The indicated portion of Lupu does not teach or suggest the positively recited features of claim 11 as it is alleged in the Office Action. Specifically, Coleman in the indicated portion or the whole disclosure does not anticipate or render obvious "an image extracting unit that extracts a cursor peripheral image from an image storing unit that stores the image to be transmitted to the information processing apparatus, based on the cursor location information acquired by the information acquiring unit." According to 37 C.F.R. §1.104 (c)(2) when claims are rejected based on "a reference [that] is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." Applicants respectfully submit that the pertinence of the portions of Lupu cited in the outstanding Office Action is not apparent and the Office Action fails to meet the required

standard because it does not clearly explain why the Examiner believes that the cited portion of Lupu relied upon is pertinent.

Independent claim 11 and claim 12 and 13 depending from claim 11 patentably distinguish over the cited prior art references at least due to the following features of the image transmission apparatus that transmits an image to an information processing apparatus connected to a predetermined network of claim 11:

- an information acquiring unit that acquires cursor location information from the information processing apparatus; and
- an image extracting unit that extracts a cursor peripheral image from an image storing unit that stores the image to be transmitted to the information processing apparatus, based on the cursor location information acquired by the information acquiring unit.

Independent claim 14 is directed to a method of transmitting an image to an information processing apparatus connected to a predetermined network. The Office Action relies on the same references and substantially the same portions of the prior art references as relative to independent claim 11. In view of the above discussion relative to the teachings of the prior art references, independent claim 14 patentably distinguishes over the cited prior art at least by reciting "extracting a cursor peripheral image from an image storing unit that stores the image to be transmitted to the information processing apparatus, based on the cursor location information acquired in the acquiring of the cursor location information." In paragraph 7 on page 4 of the outstanding Office Action the above-reproduced feature of claim 14 is parsed and alleged to be rendered obvious by unrelated portions of the references. When the operation recited in claim 14 is viewed as a whole and not as a collage of words, Coleman and Lupu, alone or in combination fail to render obvious:

(1) extracting a cursor peripheral image,

(2) that the cursor peripheral image is extracted from an image storing unit that stores the image to be transmitted to the information processing apparatus, and

(3) that the extraction of the cursor peripheral image is done based on the cursor location information acquired in the acquiring of the cursor location information.

Further Coleman and Lupu, alone or in combination fail to render obvious "transmitting the cursor peripheral image, extracted in the extracting of the cursor peripheral image, to the information processing apparatus" as recited in claim 14. The compressed data in Coleman (see

the citations and allegations at the bottom of page 4) are not the extracted cursor peripheral image.

Therefore, claim 14 and claims 15-23 depending directly or indirectly from claim 14 patentably distinguish over the cited prior art.

Independent claim 25 is directed to an "image transmitting program product for operating a computer that transmits an image to an information processing apparatus connected to a predetermined network." The Office Action relies on the same references and substantially the same portions of the prior art references as relative to independent claim 11. In view of the above discussion relative to the teachings of the prior art references, independent claim 25 and claims 26-34 depending directly or indirectly from claim 25 patentably distinguish over the cited prior art at least due to the following features recited in claim 25 and not rendered obvious by the prior art references:

- an information acquiring unit that acquires cursor location information from the information processing apparatus; and
- an image extracting unit that extracts a cursor peripheral image from an image storing unit that stores the image to be transmitted to the information processing apparatus, based on the cursor location information acquired by the information acquiring unit.

Claims 20-23 and 31-34 are rejected under 35 USC §103(a) as being unpatentable over Coleman in view of Lupu, and further in view of U.S. Patent No. 6,539,418 B1 to Schneider ("Schneider"). Schneider does not correct or compensate the above-identified failures of Coleman and Lupu to render obvious the features of independent claims 14 and 25. Therefore, claims 20-23 and 31-34 are patentable at least by inheriting patentable features from independent claims 14 and 25 from which they respectively depend.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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